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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR                | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|---|-------------|-------------------------------------|------------------------------|------------------------|
| 10/563,782  | 06/29/2006  | Wilhelmus Petrus Johannes de Kruijf | 3135-060045                  | 3202                   |
| 28289   | 7590        | 10/04/2007                          |                              |                        |
| THE WEBB LAW FIRM, P.C.<br>700 KOPPERS BUILDING<br>436 SEVENTH AVENUE<br>PITTSBURGH, PA 15219 |             |                                     | EXAMINER<br>SCHARICH, MARC A |                        |
|   |             |                                     | ART UNIT<br>3611             | PAPER NUMBER           |
|   |             |                                     | MAIL DATE<br>10/04/2007      | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                               |  |  |
|------------------------------|-------------------------------|--|--|
| <b>Office Action Summary</b> | Application No.<br>10/563,782 | Applicant(s)<br>DE KRUIJF, WILHELMUS PETRUS JOHANNES |  |
|                              | Examiner<br>Marc A. Scharich  | Art Unit<br>3611                                     |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/6/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-21, 24-25 and 27-30 is/are rejected.
- 7) ☒ Claim(s) 22, 23 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/6/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/12/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because it contains the word "means", which is used multiple times in various lines of the abstract.

Applicant is reminded of the proper language and format for an abstract of the disclosure:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.

*Correction is required. See MPEP § 608.01(b).*

### *Claim Objections*

2. Claims 18 and 22 are objected to because of the following informalities:

#### Claim 18 (Line 6)

The phrase "being arranged in a hub of a carrying wheel" should be *amended to* -- being arranged in a hub of a said carrying wheel --. {Since *at least one motor unit* is "coupled to a carrying wheel", it is therefore logical that the *at least one motor unit* would be arranged in a hub of the same carrying wheel that it is coupled to.}

#### Claim 18 (Line 9)

The phrase "and that the operating means are connected to a wheel shaft" should be *amended to* -- and ~~that~~ the operating means are connected to a wheel shaft --.

**Claim 22 (Lines 2-3)**

The phrase "the displacement speed of the wheelchair" should be *amended to -- a the displacement speed of the wheelchair --. Appropriate correction is required.*

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 27** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 27 recites the limitation "the operating *members*" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 18-21, 24-25, 27-28 and 30** are rejected under 35 U.S.C. 102(b) as being anticipated by Kanno et al., U.S. Patent No. 6,112,837. Kanno et al. discloses a manually operated/ motor assisted wheelchair (*best shown in Figs. 3 and 5*), the wheelchair comprising *at least*: an assembly of a chair unit (21) and a support base [*frame*] (23) supporting the chair unit (21); carrying wheels (38) for carrying the chair

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unit (21); drive means [*electric motors*] (89) coupled to the carrying wheels (38), the motors (89) at least substantially being arranged in hub regions of the carrying wheels (38) for driving; and operating members [*axially rotatable tubular hand rims*] (53) releaseably connected [*via threaded fasteners (57)*] outside and laterally on both sides of the carrying wheels (38) of the chair unit (21) and connected to wheel shafts (46) [*via hub member 59*] received in the hubs of each carrying wheel (38), that when operated [*turned by hand to undergo at least one change in forward or backward orientation*], activates {operates} the electric motors (89) to assist a wheelchair user [*the use of sensors {potentiometers} (68) that output signals indicative of the rotation of hand rims (53) relative to carrying wheels (38) ultimately effect the operation and assist of the electric motors (89)*].

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 30** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al. (as applied above) in further view of Inoue et al., U.S. Patent No. 6,840,340. Kanno et al. discloses what is discussed above, but fails to specifically disclose the wheelchair being equipped with a common hand brake, thus (in effect) the operating means [*hand rim*] (53) being lockable in at least one position. The hand rim (53) is

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considered lockable in *at least one position* if the wheelchair is equipped with a common hand brake that is found on a wide variety of wheelchairs for a safety feature that allows a user to engage the brake so the wheelchair will not unintentionally roll (i.e. when on an inclined surface). Inoue et al. clearly teaches using such a common handbrake on the wheelchair in Fig. 1.

It *therefore*, would have been obvious to one of ordinary skill in the art at the time of the invention to include a hand brake on the wheelchair of Kanno et al. to keep the wheelchair from rolling unintentionally, thus increasing the safety of a rider

#### ***Allowable Subject Matter***

6. **Claims 22, 23 and 26** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

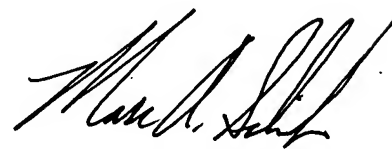
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: The prior art cited on form PTO-892 relates to motorized electric wheelchairs and power wheel modules/hubs for use on such wheelchairs that assist and improve the mobility of a rider.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A. Scharich whose telephone number is (571) 272-3244. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.S. – 9/26/2007



Marc A. Scharich  
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